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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,921	10/30/2003	Louis Leclerc	200314548-1	8233

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EXAMINER
JACOB, MARY C

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/696,921	LECLERC, LOUIS
	Examiner	**Art Unit**	
	Mary C. Jacob	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 October 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-34 have been presented for examination.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)
because they include the following reference character(s) not mentioned in the
description: 208. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or
amendment to the specification to add the reference character(s) in the description in
compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid
abandonment of the application. Any amended replacement drawing sheet should
include all of the figures appearing on the immediate prior version of the sheet, even if
only one figure is being amended. Each drawing sheet submitted after the filing date of
an application must be labeled in the top margin as either "Replacement Sheet" or "New
Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,
the applicant will be notified and informed of any required corrective action in the next
Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 2, 5-7, 19, 20, 23-27, 29-31 and 34 are rejected under 35

U.S.C. 102(b) as being anticipated by Binkley et al (US Patent 5,088,033).

5.   As to Claims 1, 19, 26 and 34, Binkley et al teaches: a system, comprising: at

least one device information file that contains emulation information about at least one

device (column 28, lines 35-50; column 31, lines 1-8); and an emulator that is adapted

to read the at least one device information file and provide an on-screen display

("OSD") emulation of the at least one device (column 7, lines 13-16; column 7, lines 39-

43).

6.   As to Claims 2, 20 and 27, Binkley et al teaches: wherein the emulation

comprises information relating to a set-up procedure of the at least one device (column

28, lines 35-50; column 31, lines 1-8).

7.   As to Claims 5, 23 and 29, Binkley et al teaches: wherein the at least one device

comprises a computer display device (Figure 2, element 22b; column 7, lines 39-43).

8.   As to Claims 6, 24, and 30, Binkley et al teaches: wherein the at least one device

comprises a computer system (Figure 2, element 22).

9.   As to Claims 7, 25 and 31, Binkley et al teaches: wherein the at least one device

comprises a consumer electronics device (Figure 2, elements 22, 22a, 22b, 22c, 24, 26,

28).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 3, 8, 9, 21, 32 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Binkley et al as applied to claims 1, 19 and 26 above, in view of Van

Ee (US Patent 6,937,972).

12.   Binkley et al teaches: an emulator reading a device information file and providing

an on screen display emulation of a device.

13.   Binkley et al does not expressly teach: (claims 3 and 21) wherein the emulator is

adapted to present the emulation in a manner that approximates information that would

be presented by the at least one device during a set-up procedure of the at least one

device; (claims 8 and 32) wherein the emulator is available via a network; or (claims 9

and 33) wherein the emulator is available via a local CD-ROM drive.

14.   Van Ee teaches a method of enabling the programming of a programmable

remote control device that runs a software application on a computer for emulating

manual programming of the device upon user input, thereby increasing the user-

friendliness and ease of handling of the programmable remote by allowing the user to

quickly test configurations for the remote without needing to download the information to

the real device (column 4, lines 52-63; column 5, lines 31-35). The method as taught by

Van Ee includes: wherein the emulator is adapted to present the emulation in a manner

that approximates information that would be presented by the at least one device during

a set-up procedure of the at least one device (column 5, lines 26-31; column 6, lines 8-17, 26-41); wherein the emulator is available via a network (column 6, lines 3-5); wherein the emulator is available via a local CD-ROM drive (column 6, lines 3-5).

15.   Binkley et al and Van Ee are analogous art since they are both directed to the emulation of an electronic device and providing an on screen display of the emulated device.

16.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the emulation of a device and the providing of an on screen emulation of the device as taught by Binkley et al to further include wherein the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the at least one device during a set-up procedure of the at least one device, wherein the emulator is available via a network or wherein the emulator is available via a local CD-ROM drive as taught by Van Ee since Van Ee teaches a method of enabling the programming of a programmable remote control device that runs a software application on a computer for emulating manual programming of the device upon user input, thereby increasing the user-friendliness and ease of handling of the programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35).

17.   Claims 4, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Binkley et al as applied to claims 1, 19 and 26 above, in view of Burg et al (US

Patent 6,456,699).

18.   Binkley et al teaches: an emulator that provides an on screen emulation of at

least one emulated device wherein the user interface and I/O devices are

representations of the target system known to the user.

19.   Binkley et al does not expressly teach wherein the emulation and user interface

comprises mouseover information about at least one option.

20.   Burg et al teaches a coordinated web and interactive voice response system for

customer service wherein the use of related interactive voice response menu

architectures and web menu architectures makes an integrated service much easier

and more cost effective (column 13, lines 16-22) wherein the system includes the use of

mouse over text information when the user places their web cursor over a node or icon

so they can receive additional descriptive information about what customer

representative they will be connected to if they choose that particular node (column 11,

lines 26-35).

21.   Binkley et al and Burg et al are analogous art since they are both directed to the

display of a user interface and interaction of a user with the interface.

22.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the emulation and user interface as taught by Binkley et

al to include the use of mouse over information as taught by Burg et al since Burg et al

teaches a coordinated web and interactive voice response system for customer service

wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) and further teaches that mouse over information allows the user to receive additional descriptive information about options they are able to choose in a customer service environment (column 11, lines 26-35).

23.   Claims 10-12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al in view of Stockburger et al ("Virtual Onsite Support: Using Internet Chat and Remote Control to Improve Customer Service", Proceedings of the 30th Annual ACM SIGUCCS Conference on User Services, Providence, Rhode Island, pages: 143 – 147, 2002).

24.   Binkley et al teaches: (claim 10) identifying a device information file that comprises emulation information about a set-up procedure associated with at least one device (column 28, lines 35-50; column 31, lines 1-8); (claim 10) invoking an emulator that is adapted to access the device information file and provide an emulation that is based on the emulation information (column 7, lines 13-16; column 7, lines 39-43; column 30, line 58-column 31, line 15); (claim 11) providing an on-screen display ("OSD") emulation based on the emulation information (column 7, lines 13-16; column 7, lines 39-43); (claim 12) defining the emulation to be presented in a manner that approximates an output provided by the at least one device (column 7, lines 39-56); (claim 14) defining the at least one device to comprise a computer display device (Figure 2, element 22b; column 7, lines 39-43); (claim 15) defining the at least one

device to comprise a computer system (Figure 2, element 22); (claim 16) defining the at

least one device to comprise a consumer electronics device (Figure 2, elements 22,

22a, 22b, 22c, 24, 26, 28).

25.   Binkley et al does not expressly teach: (claim 10) providing instruction to a user

based on the emulation; (claim 17) accessing the emulator via a network.

26.   Stockburger et al teaches the use of a remote control utility that is a useful tool

for the staff of a Help Desk, enabling the staff to get problems fixed in a matter of

minutes instead of hours, and allowing the customer to learn something in the process,

therefore, contributing to an improved image of the Help Desk and the IT Department of

a facility (Conclusion, paragraph 1, lines 3-8). Stockburger et al teaches that the

customer can share their screen, or give complete control of their screen to the help

desk technician (Abstract, last paragraph, lines 6-9), which sets up an emulation of the

customer's computer on the technician's computer via a network (Abstract, last

paragraph, lines 5-9; page 145, paragraph 3; see figure on page 146, and description,

page 145, paragraph 2) and allows the technician to provide instruction to a user based

on the emulation (page 146-147, last bullet).

27.   Binkley et al and Stockburger et al are analogous art since they are both

directed to the emulation of an electronic device and providing an on-screen display of

the emulated device.

28.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the device emulation and on-screen display of the

emulated device as taught by Binkley et al to include providing instruction to a user

based on the emulation as taught by Stockburger et al since Stockburger et al teaches

the use of a remote control utility that is a useful tool for the staff of a Help Desk,

enabling the staff to get problems fixed in a matter of minutes instead of hours, and

allowing the customer to learn something in the process, therefore, contributing to an

improved image of the Help Desk and the IT Department of a facility (Conclusion,

paragraph 1, lines 3-8).

29.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley

et al as modified by Stockburger et al as applied to claim 10 above, and further in view

of Berg et al.

30.   Binkley et al as modified by Stockburger et al teach an emulator that provides an

on screen emulation of at least one emulated device wherein the user interface and I/O

devices are representations of the target system known to the user and providing

instruction to a user based on the emulation.

31.   Binkley et al as modified by Stockburger et al do not expressly teach the act of

defining the emulation to comprise mouseover information about at least one set-up

option.

32.   Burg et al teaches a coordinated web and interactive voice response system for

customer service wherein the use of related interactive voice response menu

architectures and web menu architectures makes an integrated service much easier

and more cost effective (column 13, lines 16-22) wherein the system includes the use of

mouse over text information when the user places their web cursor over a node or icon

on a web page showing the set-up of the routing of calls through the customer service system (Figure 8 and description) so they can receive additional descriptive information about what customer representative they will be connected to if they choose that particular node in the set-up of the system (column 11, lines 26-35).

33.   Binkley et al as modified by Stockburger et al and Burg et al are analogous art since they are both directed to the display of a user interface and providing instruction to a user based on the user interface.

34.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the providing of instructions to a user based on an emulation as taught by Binkley et al as modified by Stockburger et al to include the use of mouseover information about an option in the set up of a customer service system as taught by Berg et al since Burg et al teaches a coordinated web and interactive voice response system for customer service wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) and further teaches that mouse over information allows the user to receive additional descriptive information about options they are able to choose in the set up of a customer service environment (column 11, lines 26-35).

35.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al in view of Stockburger et al as applied to claim 10 above, and further in view of Van Ee.

36.   As to Claim 18, Binkley et al in view of Stockburger et al teach an on-screen

emulation of an emulated device and providing instruction of a user based on the

emulation.

37.   Binkley et al in view of Stockburger et al do not expressly teach accessing the

emulator via a local CD-ROM drive.

38.   Van Ee teaches a method of enabling the programming of a programmable

remote control device that runs a software application on a computer for emulating

manual programming of the device upon user input, thereby increasing the user-

friendliness and ease of handling of the programmable remote by allowing the user to

quickly test configurations for the remote without needing to download the information to

the real device (column 4, lines 52-63; column 5, lines 31-35). The method as taught by

Van Ee includes: wherein the emulator is available via a network (column 6, lines 3-5);

wherein the emulator is available via a local CD-ROM drive (column 6, lines 3-5).

39.   Binkley et al in view of Stockburger et al and Van Ee are analogous art since

they are directed to the on-screen emulation of an emulated device.

40.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the on screen emulation of an emulated device as taught

by Binkley et al in view of Stockburger et al to further include accessing the emulator via

a local CD-ROM drive as taught by Van Ee since Van Ee teaches a method of enabling

the programming of a programmable remote control device that runs a software

application on a computer for emulating manual programming of the device upon user

input, thereby increasing the user-friendliness and ease of handling of the

programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35).

Conclusion

41.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

42.   Lui et al (US Patent 7,047,498) teaches a cooperative help Assistance system and method that provides real-time user assistance for one or more windows-based graphic user interface (GUI) applications or a single application's different subsections such as web pages, running concurrently in any operating system.

43.   Loisey et al (US Patent 6,999,912) teaches a system and method for allowing user access to software applications, data storage and retrieval, and electronic mail and messaging services in a networked computing environment.

44.   Crawford (US Patent 6,327,579) teaches a customer computer that connects to an online service provider by phone, Internet, or other telecommunications link wherein the link gives the customer access to additional processing and storage resources such as virtual storage, processing power and/or additional software or data through interaction between the customer computer and an online service provider computer over the link.

45.   Comer et al (US Patent 6,081,856) teaches a system, apparatus, and method for emulating the operation of a peripheral device of a computer.

46.   Heilbronner et al ("Managing PC Networks", IEEE Communications Magazine,
October 1997, Volume 35, Issue 10, pages 112-117) teaches management tasks in PC
networking environments including inventory management, software distribution, remote
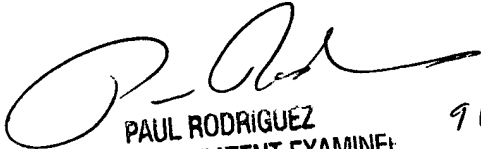control and license management.

47.   Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Mary C. Jacob whose telephone number is 571-272-6249. The examiner
can normally be reached on M-F 7AM-5PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private
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Mary C. Jacob
Examiner
AU2123

PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

MCJ
9/9/06